

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )                           4:12CR3023  
                                )  
v.                            )  
                                )  
CHRISTOPHER D. MALLETT, )                           MEMORANDUM AND ORDER  
                                )  
                                )  
Defendant.                 )

The defendant has moved to continue trial because he is dissatisfied with his counsel and because he needs additional time to consider whether he should proceed to trial or enter a plea of guilty. (Filing No. 23). At defendant's direction, defense counsel has moved to withdraw. (Filing No. 24). Accordingly,

IT IS ORDERED:

- 1) The defendant's motion to continue, (filing no. 23), is granted, and the trial of this case is continued pending further order of the court.
- 2) A hearing on defense counsel's pending motion to withdraw, (filing no. 24), will be held on May 16, 2012 at 10:00 AM in Courtroom 2, Robert V. Denney Federal Building, 100 Centennial Mall North, Lincoln, NE before Magistrate Judge Cheryl R. Zwart. The defendant, his counsel, and counsel for the government shall attend the hearing.
- 3) Due to the pending motion, and with the defendant's understanding and consent, (see filing no. 23-1), the time between today's date and May 16, 2012, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the defendant needs additional time to adequately prepare the case and consider his options, and a failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1)(D) and (h)(7)(A) & (B).

May 9, 2012.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge